

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

ISO New England, Inc.)	Docket Nos.	ER07-546-002
)		ER07-547-001
)		RM06-8-000

**COMMENTS
OF
THE MAINE PUBLIC UTILITIES COMMISSION**

The Maine Public Utilities Commission (“MPUC”), by and through counsel, Lisa Fink, State of Maine Public Utilities Commission, 242 State Street, 18 State House Station, Augusta, Maine 04333-0018, and Lisa S. Gast, Duncan, Weinberg, Genzer & Pembroke, P.C., 1615 M Street, NW, Suite 800, Washington, DC 20036, respectfully files these Comments in the above-captioned proceedings regarding the document that ISO New England, Inc. (“ISO-NE”) styles as “Compliance Filing Setting Forth Prioritization of Issues and Requesting Technical Conference” (“June 21 Filing”). ISO-NE states that the June 21 Filing is made pursuant to the Commission’s order conditionally approving market rules for the Forward Capacity Market (“FCM”) issued on April 16, 2007 (“April 16 Order”)¹ in which the Commission ruled on certain aspects of the filing made by ISO-NE on February 15, 2007 (“February 15 Filing”).²

I. PRELIMINARY STATEMENT

The MPUC timely filed a Notice of Intervention and Protest in Docket No. ER07-546-000 on March 8, 2007. The instant Comments are filed pursuant to the Commission’s June 27, 2007 Combined Notice of Filing #1, in which the Commission established July 12, 2007, as the date by which comments are to be filed.

¹ *ISO New England Inc.*, 119 FERC ¶ 61,045 (April 16, 2007) (“April 16 Order”).

II. BACKGROUND

ISO-NE committed in its February 15 Filing to make a filing setting forth the order of priority in which ISO-NE would consider certain important regional projects, including issues related to the implementation of FCM, on or before September 1, 2007. Although the Commission did not order ISO-NE to make this filing, and the Ordering paragraphs of the April 16 Order contain no reference to ISO-NE's unilateral commitment to make a priority filing, ISO-NE nevertheless styles this document as a "compliance filing."

ISO-NE states that since the April 16 Order, ISO-NE has held a number of ongoing consultations and meetings with NECPUC and NEPOOL to discuss prioritization of key issues for 2007 and 2008. *See* June 21 Filing at 2. ISO-NE further states that as a result of those efforts, ISO-NE "has completed a priority list of issues that reflects the input of and is supported by NEPOOL." *Id.* ISO-NE states in its Compliance Filing that "[w]hile the priorities reflected in this informational filing reflect the input of representatives of the ISO, NECPUC and NEPOOL, NECPUC and its individual members were not in a position to join in this filing and may be providing separate comments regarding their individual and/or collective views." *Id.* at fn. 5.

III. COMMENTS

The June 21 Filing is not a "compliance filing" as ISO-NE asserts, but rather is an informational filing made unilaterally by ISO-NE and NEPOOL. Thus, the Commission need not, and should not, make any rulings regarding this filing. Further, there is no need for a technical conference, as the June 21 Filing requests, on this

² Filing Containing Revisions to Market Rules Implementing FCM Settlement Agreement, Docket No. ER07-546-000 (Feb. 15, 2007) ("February 15 Filing").

informational filing since there is no action that the Commission should take in response to the information provided.

Of critical importance, however, is that the Commission not be left with the impression from the June 21 Filing that the priorities set forth within the filing reflect the priorities of the state of Maine. In this regard, the MPUC is directed by statute to:

...[i]ntervene and participate in proceedings at the Federal Energy Regulatory Commission, . . . whenever the interests of competition, consumers of electricity or economic development in this State are affected; and

...use all means within its authority and resources to advocate for and promote the interests of Maine ratepayers in any proceeding at the Federal Energy Regulatory Commission involving the development, governance, operations or conduct of an independent system operator.

35-A M.R.S.A. §3215 1.A. and 2. [1997, c. 316, §3 (new).]

In reviewing the priorities set forth in ISO-NE's June 21 Filing, the MPUC questions whether these priorities advance the interests of Maine consumers.

Accordingly, the MPUC wishes to make clear that the June 21 Filing does not reflect the input of the MPUC. Finally, the June 21 Filing should not, and may not, be used by ISO-NE as a defense against relief sought by Maine or any other state under section 205 or 206 of the Federal Power Act.

IV. CONCLUSION

The June 21 Filing is not a “compliance filing” and requires no action by the Commission. Accordingly, the Commission should not schedule a technical conference or take any other steps in response to the filing. Finally, the Commission

should not be left with the impression that the priorities set forth in the June 21 Filing reflect the priorities of the MPUC.

Dated: July 12, 2007

Respectfully submitted,

/s/ Lisa S. Gast

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the service list compiled by the Secretary in this proceeding either by U.S. Mail or electronic service, as appropriate. Dated at Washington, D.C., this 12th day of July, 2007.

/s/ Harry A. Dupre
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